

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and
VITAL MANAGEMENT SERVICES,
INC.,

Defendants.

**DEFENDANTS' MOTION TO
SEAL**

NOW COMES Defendants Nicholas Del Rosso (“Del Rosso”) and Vital Management Services, Inc. (“VMS”) (collectively, “Defendants”), by and through their undersigned counsel, and pursuant to Local Rules 5.4 and 5.5, hereby move this Court to seal Exhibit A to Defendants’ Reply In Support of their Motion to Quash and for Protective Order regarding Plaintiff Farhad Azima’s (“Plaintiff”) Second Subpoena to First Citizens Bank & Trust Co. (“First Citizens”). (D.E. 209). In support of this Motion, Defendants show the Court the following:

1. **Exhibit A** contains transcript excerpts from the deposition of Nicholas Del Rosso on February 13, 2023—specifically, portions which involve discussion of Defendants’ banking relationships and records—which Defendants have designated as confidential pursuant to the Protective Order (D.E. 177).

2. Sealing is warranted because the testimony redacted from **Exhibit A** pertains to Defendants’ banking relationships as well as transactions with certain clients. Defendants contend that this information constitutes sensitive and confidential business information which should not be made public. *See, e.g., Silicon Knights, Inc. v. Epic Games, Inc.*, No. 5:07-CV-275-D, 2011 WL 901958, at *2 (E.D.N.C. Mar. 15, 2011) (allowing redaction of documents where they contained “confidential” information, including “highly sensitive financial and business information” that is “not generally available to the public”).

3. Moreover, discussion as to the existence of certain transactions with its clients would harm Defendants’ business interests, given that the nature of Defendants’ fraud examination work is highly sensitive. *See Huntley v. Crisco*, 2020 WL 9815384, at *2 (M.D.N.C. Sept. 25, 2020) (acknowledging that “whether disclosure would harm the party’s . . . business interests” is a factor weighed by the court in determining whether sealing should be granted).

4. Lastly, the testimony regarding these bank records is being submitted merely for the purpose of showing that bank records from 2021 to present are not relevant to Plaintiff’s remaining claims in this matter. As such, the public’s interest in this testimony in **Exhibit A** is not as strong at this stage of the case. *See, generally, SmartSky Networks, LLC v. Wireless Sys. Sols., LLC*, 2022 WL 4933117, at *9 (M.D.N.C. Sept. 26, 2022) (“Unlike later,

merit-related stages of litigation, such as summary judgment, the public's interest at th[e] discovery stage is not as strong.”).

5. Accordingly, sealing is appropriate here. Public knowledge of **Exhibit A** would not enhance the public's understanding of the dispute at bar. Therefore, Defendants' interest in keeping this information sealed outweighs any interest that the public would have this information.

6. In light of the above, Defendants seek to permanently seal **Exhibit A**, subject to the public redacted version.

7. In accordance with the Local Rules, Defendants will submit a Local Rule 5.4 Checklist to Judge Osteen's ECF mailbox within three (3) business days of filing this Motion.

WHEREFORE, Defendants respectfully request that the Court seal Exhibit A to their Reply in Support of their Motion to Quash and for Protective Order regarding Plaintiff's Second Subpoena to First Citizens.

Respectfully submitted, this the 24th day of April, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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